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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,848	10/01/2004	Poh Leong Er	1008.P03USCKM/jcc	4299
38556 7590 09/30/2008 LAWRENCE Y.D. HO & ASSOCIATES PTE LTD 30 BIDEFORD ROAD, #02-02, THONGSIA BUILDING SINGAPORE, 229922 SINGAPORE				
EXAMINER WALCZAK, DAVID J				
ART UNIT		PAPER NUMBER		
3751				
MAIL DATE		DELIVERY MODE		
09/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,848

Applicant(s)

ER, POH LEONG

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10, 12-18, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1, 5-7 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The two foreign references (DE 910515 and BE 542335) cited on the IDS filed on 5/20/08 cannot be considered since, as discussed in the previous office action, the information disclosure statement filed 5/20/08 fails to comply with 37 CFR 1.98(a)(2 and 3), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

For example, no copy of the foreign documents have been submitted, nor have these documents been cited on any submitted international search report.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pratt (as cited by the Applicant in the IDS filed 5/20/08) in view of Leland (US Patent 3,099,034).

In regard to claims 1 and 5-7, Pratt discloses a paint roller comprised of a frustoconically shaped applicator 1 having a larger end and a smaller end opposite the larger end, a coupling portion 2 disposed at the smaller end, an external surface between the two ends, wherein the applicator is rotatable at the coupling portion about a rotary axis and wherein the smaller end has a planar cross-section smaller than the larger end and an external handling means 4 received by and extending outwardly from the coupling portion whereby the applicator is controlled by the smaller end and an abutment member 6 mountable to one of the opposite ends. Although the Pratt device does not disclose an internal chamber for storing paint or a paint absorbable member mounted on the external surface, attention is directed to the Leland reference, which discloses another paint roller wherein an internal chamber 22 having paint permeable portion, a closable inlet at one of the opposite ends (closed by element 34) and a paint absorbable member 32 are employed in order to enable a user to paint a surface without having to employ a paint tray in order to load the roller with paint. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the roller in the Pratt device can be designed to have such a chamber and paint absorbable member in order to enable a user to paint a surface without the use of a paint tray.

In regard to claim 10, the coupling portion 2 is disposed centrally relative to the planar cross-section of the coupling end.

Allowable Subject Matter

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-18, 21 and 22 are allowed.

Response to Arguments

Applicant's arguments filed on 8/19/08 have been fully considered but they are not persuasive.

The Applicant initially contends that the abutment member 6 disclosed by Pratt is not applicable against the claimed abutment member since the abutment member 6 in the Pratt device serves a different purpose than the abutment member in the Applicant's device and is structured differently than the Applicant's abutment member. However, the abutment member 6 in the Pratt device meets all of the claimed structural limitations of the abutment member defined in claim 1. The fact that it may or may not serve the same purpose as the Applicant's abutment member is irrelevant, absent some claimed structure that would preclude defining the abutment member 6 in the Pratt device as the claimed abutment device.

The Applicant further indicates that the structure of the abutment member in the Pratt device is "not suitable for the present invention". However, as discussed above, the Pratt device discloses the abutment as claimed. The assertion that the particular abutment taught by Pratt "is not suitable" for the present invention is of no consequence, i.e., the Examiner is not indicating that the abutment member of Pratt can

be used on the Applicant's device, but is merely indicating that the abutment member of Pratt discloses the claimed abutment member.

The Applicant then seems to indicate that the Pratt device is not applicable against the claims in that the Pratt device includes a cloth tape thereon while the Applicant's device does not require such tape. However, above discussed combination of references teaches the Applicant's device as claimed. The fact that it discloses additional structure it also irrelevant.

The Applicant lastly seems to indicate that the Leland reference is not applicable in that the closable inlet (closed by cap 34 and wing nut 37) disclosed therein is not the same as closable inlet in the Applicant's device, i.e., the Applicant indicates that "there is no need for wing nuts" on the Applicant's device. However, the Leland reference is not being used to teach a specific closure, but merely to show that a roller can have an internal reservoir with a closure thereon. The Examiner maintains that it would be obvious to design the roller in the Pratt device to have an internal chamber with a "closable inlet" at the end thereof. Since the Applicant is not claiming any particular structure of the "closable inlet", the Examiner is not relying on the Leland reference to teach a particular closable inlet, but merely relying on Leland to show that a roller can have an interior chamber with an closable inlet (of any suitable structure and at any suitable location) in order to enable the roller to effectively hold and dispense paint.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huson Gregory can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David J. Walczak
Primary Examiner
Art Unit 3751

DJW
9/26/08

/David J. Walczak/
Primary Examiner, Art Unit 3751